

FARMINGTON CITY PLANNING COMMISSION

Thursday, December 14, 2006

PLANNING COMMISSION FIRST SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Chairman Talbot called the meeting to order at 5:30 P.M. **Jim Talbot** offered the invocation.

APPROVAL OF MINUTES

Paul Barker moved that the Planning Commission approve the minutes of the November 21, 2006, Planning Commission Meeting with changes as noted. **John Bilton** seconded the motion. The Commission voted unanimously in favor.

John Bilton moved that the Planning Commission approve the minutes of the November 8, 2006, Planning Commission Meeting. **Kevin Poff** seconded the motion. The Commission voted unanimously in favor. **Paul Barker** and **Andrew Hiller** abstained since they were excused from that meeting.

CITY COUNCIL REPORT

David Petersen reported the proceedings of the City Council meeting which was held on December 12, 2006. He covered the following items:

- The City Council granted Final Plat approval of Rice Farms Estates, PUD, Phase I-B.
- The City Council will hear a recommendation from the Planning Commission on December 19, 2006, regarding the Station Park Development Agreement and related matters.

David Petersen reported the proceedings of the City Council meeting which was held on December 5, 2006. He covered the following items:

- The City Council tabled consideration of the Project Master Plan and the amendment of Chapter 18 - Transportation Oriented Development to allow them to be considered simultaneously.
- The City Council approved a boundary adjustment to lot lines in the Leonard Lane subdivision.
- The City Council adopted an Ordinance amending the City's Master Trails Plan.

[**Cory Ritz** arrived at 5:40 P.M.]

David Petersen reported the proceedings of the City Council meeting which was held on November 21, 2006. He covered the following items:

- The City Council approved the Settlement Agreement between Farmington City and Reagan Outdoor Advertising. The sign will be a 45 foot, two-sided, V-shaped sign with each side being 14' x 48'.
- The City Council granted final plat approval for “The Cottages at Shepard Creek North”/Final PUD Master Plan Approval/ and Approval of Amendment #1 to Development Agreement.
- The City Council granted final plat approval for Symphony Homes’ “Chestnut Farms” subdivision.

DANVILLE LAND INVESTMENT LLC - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE HUNTERS CREEK SUBDIVISION NO. 4 CONSISTING OF 54 LOTS ON 25.14 ACRES LOCATED AT APPROXIMATELY 2200 WEST 750 NORTH IN AN AE ZONE (S-27-05) (Agenda Item #3)

David Petersen displayed an overhead of a Vicinity Map and explained where the property is located. He also displayed an overhead of the Plat Map and pointed out where the trail network is located. The trail will likely connect with the Farmington Meadows subdivision trail, then continue on to connect with the Farmington Ranches trail. He reviewed the “Suggested Motion” which was included in the Planning Commission packet. It is the recommendation of City staff that the Planning Commission grant final plat approval, as requested.

In response to a question from **John Bilton**, **Thane Smith** explained that FEMA issued a Letter of Map Revision on October 11, 2006, so it is no longer located in the flood plain. This phase will not include basements so there should not be issues created as a result of the high ground water.

David Petersen said City staff verifies that basements are not built in that phase of the subdivision.

As requested by **Commissioner Poff**, **David Petersen** explained the background information relating to Condition #4 of the “Suggested Motion”. Due to the dangerous nature of the railroad crossing, the City would like Woodside Homes to install a raised, cement median across the track and to provide a signage package warning motorists to slow their speeds. This is not a permanent solution since there will still be an unsafe crossing. He explained how the road near Howard Kent’s development will be configured in the future. He explained how the

residents in the area will access the Woodside Homes subdivision. The Road to the North will be built in approximately three years.

In response to a question from **John Bilton, David Petersen** said City staff recommends approval since the temporary road solution will be done immediately and there is also a plan for a permanent solution. Phase 4 only includes 54 homes so it will not have the same impact on the area as the previous phases.

Motion

John Bilton moved that the Planning Commission recommend the City Council grant final plat approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The final plat shall be subject to all conditions of preliminary plat approval.
2. Review and approval of the plat and improvement drawings, including a grading and drainage plan, by the City Engineer, Public Works Department, Fire Department, Central Davis Sewer District, Benchland Irrigation District, and the Planning Department, including the Farmington City Storm Water Official.
3. The applicant shall make changes to the final plats as noted by Staff.
4. Developer must comply with the improvements agreement and other related agreements pertaining to the UTA railroad crossing and Burke Lane. In lieu of this, the City and Developer may enter into another agreement to discuss the timing and routing of traffic around the 1525 West and Burke Lane railroad crossings.
5. The developer shall convey a conversation easement acceptable to the City, including any trail easements, over and across all remaining open space in the Hunter's Creek Subdivision.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

- The project is consistent with the Development Agreement and the Master Plan for the area.
- A dangerous railroad crossing will be alleviated.

DANVILLE LAND INVESTMENTS, LLC, WOODSIDE HOMES - APPLICANT IS REQUESTING A RECOMMENDATION FOR PRELIMINARY PUD MASTER PLAN APPROVAL FOR A DEVELOPMENT KNOWN AS THE COTTAGES AT STATION PARK CONSISTING OF 414 DWELLING UNITS ON 98.56 ACRES LOCATED WEST OF I-15 AND 1525 WEST STREET, SOUTH OF SHEPARD LANE, EAST OF THE UTA RAILROAD TRACKS, AND NORTH OF BURKE LANE IN THE R-4 AND AE ZONE (S-7-06 AND S-11-06) (Agenda Item #4)

Background Information

The Planning Commission considered and tabled this request on May 25, 2006, in order “to allow time for the developer to address the unresolved issues in the staff report, and to allow time for the Commission to establish a small working committee to ensure that the project meets the standards in the “Design Consideration Checklist” and to further address unresolved issues”.

The e-mail which was enclosed to the Planning Commissioner’s packet, to Thane Smith of Woodside Homes dated September 27, 2007, provides a progress report and a summary of issues as of that date. In response to this email, the applicant sent a letter to David Petersen dated October 31, 2006, as well as some updated information. Items set forth in the email (see italicized phrases below followed by staff response in regular text) can be divided into three categories: “information required by ordinance”, “policy questions”, and “other”.

The Commission’s small working committee consisted of **Kevin Poff** and **John Bilton**. They conducted a field trip to a similar type of housing development in south Salt Lake County. They considered such things as street cross-sections, landscaping, parking, and the location of “Tot Lots”. Their recommendations are incorporated within the enclosed information from the applicant.

Information Required by Ordinance:

1. *Table on sheet 3 is looking very good, but it is not quite complete (there is still some yield plan issues left to go).*

Okay.

2. *There is still documentation from the Corp. Regarding approval of the wetland delineations or fills, etc.*

The Corp. Was to issue the permit on November 10, 2006. However, this did not happen.

3. *The north yield plan must still be updated, and the lots shown on the “pond property” must be substantiated.* Okay. *Have the wetlands been delineated in this area?* No, see condition below.

4. *Verify that the proposed house plans can fit on the narrowest and smallest lot. You did this, but it appears you did not choose the narrowest lot.*

See information from applicant.

5. *Identify location of tot lots on plans, and provide more detail.*

See information from applicant.

6. *Comments needed from all reviewing agencies.*

The last set of plans reviewed by the City regarding storm drainage are not acceptable because instead of providing one detention basin for the area, the applicant showed several basins including basins in wetland areas. The applicant informed the City that a regional detention basin may be provided off-site on property owned by Howard Kent.

7. *My notes indicated the lighting plan is done, but I need a copy for the Planning Commission packet.*

See information from applicant.

8. *I received a traffic study last night and immediately gave it to Horrocks Engineer. To expedite the review of this very voluminous report, please provide the City with 3 more copies. I don't think it is appropriate to ask the City (in this case Horrocks) to make our own copies.*

It is the understanding of the City Planner that the present road network can accommodate traffic generated from the site but both CRS and Horrocks Engineers recommend no additional traffic should traverse two dangerous railroad crossings without some entity providing additional improvements or alternative routes from the site. Several weeks ago, City staff through the City Attorney, proposed a solution to the applicant. The applicant's attorney responded a few days ago but not in time to prepare an agreement for consideration by the City Council. The proposed solution will be conceptually presented at the Planning Commission meeting.

9. *Will the Army Corp. allow the fill embankment in the north phase?*

See condition below.

10. *Provide proposed deviations to the setback standards of the underlying zones on the Preliminary (PUD) Master Plan and the preliminary plats.*

See information from applicant.

Policy Questions:

Policy questions that will be considered by the entire Planning Commission when the plans are ready for their review (a sub-committee has already reviewed some of these and has recommended its approval):

1. *Street cross-sections.*

2. *Do plans show enough quest parking?*
3. *Are there enough tot lots?*
4. *Is the road to the north of the Station Park property necessary for your Development? If Shepard Lane failing? Can safe crossings be obtained at 1525 West/ what about street improvements west to the mink-farm?*
5. *Should the City treat the density calculations for single family Development in the R1-4 zone similar to multiple-family?*
6. *Does the Commission wish to require the developer to take any necessary steps available to ensure the dwelling units in the project remain owner occupied and not rental units?*
7. *Garages as a % of front face (i.e. 40%)?*

Other:

For final in the future;

Landscape plans OK, but we have a landscape architect that will review these plans as part of final review.

And

The zone designations (i.e. R-4 and LR must match the development)

END OF PACKET MATERIAL.

David Petersen displayed an aerial photo and pointed out where the property is located. He reviewed the “Background Information” and “Suggested Motion” which were included in the Planning Commission packet. He informed the members of the Commission that **Jayson Gibson** from the Army Corp. of Engineers sent a letter to the City stating that he is confident that the crossing will be approved. According to the applicant’s traffic study, Shepard Lane will not fail as a result of this development.

David Petersen said the traffic study was reviewed by Horrocks Engineers. He offered to have representatives from Horrocks Engineers appear before the Commission to give their opinion regarding the traffic in the area. He discussed the following “Policy Questions” with the Commission:

Street Cross Sections:

Mr. Petersen displayed a Street Cross-Section Plan. The applicant will provide a sidewalk, as well as an area for street trees, and will widen the asphalt. The front porches will face the street.

The Planning Commission conceptually approved the street cross-sections.

As requested by members of the Commission, **Thane Smith** (Woodside Homes) explained that the HOA will be responsible for the snow removal. The main roadways and the roadways in the center of the development have areas allocated for snow removal. The snow will be piled next to the homes in the Courtyard areas. Fencing will also be provided to accommodate the snow removal.

Paul Barker questioned whether the roads are large enough to accommodate street parking.

Thane Smith said the street cross-section meets the City's standards. The Fire Chief has indicated that parking will be allowed on one side of the street.

David Petersen said the applicant provided guest parking spaces in addition to the minimum standard for street width.

Tot Lots

David Petersen indicated that the applicant has increased the number of tot lots in the development. The homes also have yards which will provide additional space for children to play.

Road to the North of the Station Park Property

David Petersen said the developer verbally agreed to improve 950 North to the "mink farm" property.

Thane Smith said they did not agree to improve the road to the end of the "mink farm". Nate Pugsley agreed to build an asphalt road that is at least 20 feet wide but he did not agree to improve the 80' section.

Steve Christensen said the developers agreed to leave the corridor open.

David Petersen said it was the City's understanding that the developer would provide two safe travel lanes and possibly a small shoulder.

Thane Smith said although it is not legally required, Nate Pugsley offered to build a 2-lane road, traveling east to west, to the church property. The discussions occurred quite a while ago.

David Petersen said during discussions pertaining to the Hunter's Creek development (which included Nate Pugsley, Paul Hirst, and Max Forbush), Mr. Pugsley agreed to provide the

road as part of this development since the road alignments were altered. The developers are not providing the road to be generous, it was a verbal commitment from the developer. The City trusted in the developer's integrity.

Rental/Owner-Occupied Units

A representative for Woodside Homes passed out a copy of the Purchase Agreement which states that the homes will not be rented.

John Bilton said he was concerned that the language only pertains to the first year of ownership. He said the contract that was used by Garbett Homes included stronger language.

Thane Smith said according to their attorneys, the document is as legally binding as possible. If a unit is sold or rented within the first year, Woodside Homes has the right to purchase the unit. After the first year, it becomes a private property issue.

Rick Wyss suggested that the CC&R's include language which prohibits the units from being rented.

David Petersen said after reviewing the Garbett Homes rental agreement, the City Attorney indicated that the developer does have the right to prohibit the units from being rented.

Thane Smith said the Cottages at Station Park are different from the Garbett Homes units since they are privately owned properties. The Garbett Homes units are owned by the HOA. The residents only own the interior of their units. He is willing to include "firm" language in the CC&R's but does not have the right to restrict private owners from renting their units.

David Petersen and **Rick Wyss** indicated that according to their knowledge, the developer does have the right to restrict the units from being rented.

Thane Smith said Woodside Homes prefers that the units remain owner-occupied. He will discuss the issue with their legal counsel.

Chairman Talbot stated that the Planning Commission will continue consideration of Agenda Item #4 after the Study Session. He suggested that during the break, the applicant contact **Nate Pugsley** to determine what his recollection is in regards to the length and width of the road.

Motion

Kevin Poff moved that the Planning Commission continue consideration of Agenda Item #4 after the Planning Commission Study Session. **Cory Ritz** seconded the motion, which passed by unanimous vote.

**BOYER WHEELER FARM L.C. - APPLICANT IS REQUESTING A
RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE FARMINGTON
RANCHES PHASE 8 SUBDIVISION CONSISTING OF 74 LOTS ON 98.79 ACRES
LOCATED AT APPROXIMATELY 150 SOUTH 2150 WEST IN AN A ZONE (S-5-06)
(Agenda Item #5)**

David Petersen reviewed the applicant's request and explained where the property is located. The City Engineer recommended that Bareback Road be improved and moved slightly.

Patrick Boyer agreed to improving the road.

Motion

John Bilton moved that the Planning Commission recommend the City Council grant final plat approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must prepare final improvement drawings, including a grading and drainage plan and accompanying SWPP, and these plans must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis Sewer District, and Benchland Water District.
2. The applicant shall convey storm drain easements acceptable to the City over and across adjacent property prior to or concurrent with recordation of the final plat.
3. The applicant must comply with all conditions of preliminary plat approval, including, among other things, the provisions and requirements of the development agreement for the project.
4. All redlines on the final plat must be resolved to the satisfaction of City staff.
5. The developer must convey all trail property and conservation easements acceptable to the city for all remaining open space areas within the entire Farmington Ranches project prior to or concurrent with the recordation of the final plat.
6. All property in the Farmington Ranches project must be rezoned pursuant to the

development agreement.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings:

1. The final plat complies with the preliminary plat and related conditions.
2. The proposed residential density is consistent with the Farmington City General Plan, development agreement, and the Master Plan for the Farmington Ranches development.

**LANE FISHBURN, FISHBURN DEVELOPMENT AND LAND CONSULTING -
APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT
APPROVAL FOR A SUBDIVISION CONSISTING OF 8 LOTS ON 2.78 ACRES
LOCATED AT THE EAST END OF 1175 NORTH STREET IN AN LR ZONE (S-12-06)
(Agenda Item #6)**

David Petersen referred to the Final Plat in the Planning Commission packet and pointed out where the property is located. City staff recommends that the Planning Commission recommend final plat approval.

Lane Fishburn said they have addressed all five of the conditions that were outlined in the “Suggested Motion”. They also received an acceptable soils report.

David Petersen said the conservancy lot is protected by an easement. He does not have concerns relating to the topography.

Motion

Paul Barker moved that the Planning Commission recommend the City Council grant final plat approval subject to all applicable Farmington City development standards and ordinances and the following:

1. Lot 5 shall be a conservancy lot. Prior to or concurrent with the recordation of the final plat for the project, an easement, or some other document, acceptable to the City must be recorded against this lot to restrict its future subdivision or development.
2. The applicant must prepared final improvement drawings, including a grading and drainage plan and accompanying SWPP, and these plans must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis Sewer District, and Benchland Water District.

3. The applicant shall convey a storm drain easement acceptable to the City over the stream located in the southeast area of the property prior to or concurrent with the recordation of the final plat.
4. The applicant must comply with all conditions of preliminary plat approval, including, among other things, providing an updated preliminary plat related thereto.
5. All redlines on the final plat must be resolved to the satisfaction of City staff.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

1. The final plat complies with the preliminary plat and related conditions.
2. The proposed low density residential development is consistent with the General Plan.

The meeting adjourned at 6:35 P.M.

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Chairman Talbot called the meeting to order at 6:30 P.M. The following items were reviewed:

Agenda Item #7: Brady Hall/North Park Development (Public Hearing) - Applicant is requesting a recommendation to rezone approximately 10 acres located at 48 West 600 North from OTR-F, and A-F to LR-F and a recommendation for schematic plan approval for a proposed planned unit development related thereto (Z-14-06 and S-24-06)

David Petersen said the applicant was able to decrease the number of units he was proposing from 60 units to 36 units since Larry Haugen lowered his sales price. A discussion will need to occur regarding the road improvements. He said the schematic plan includes a flag lot which will serve as a break between the single family homes and the twin homes.

Kevin Poff said the revised schematic plans addressed most of the concerns that were previously expressed by the residents.

David Petersen said although the lots are large and the project includes many amenities,

he is concerned that a precedent may be set which will encourage the property owners to the north to develop their land for twin homes.

Agenda Item #8: Trophy Homes (Public Hearing) - Applicant is requesting a recommendation to amend the General Plan by re-designating approximately 21.43 acres of property located at the southwest corner of State Street and 650 West (east of Farmington Creek and west of 650 West) from “Rural Residential Density” to “Medium Density Residential”, to rezone the same property from A to R-4, and schematic plan approval for a proposed planned unit development consisting of 95 lots related thereto (Z-13-06)

The applicant requested that consideration of this item occur during the January 11, 2007 Planning Commission meeting.

Agenda Item #9: Randy Head (Public Hearing) - Applicant is requesting a recommendation for a zone change on approximately 10 acres of property located west of 1525 West and north of Phase III of the Farmington Ranches Subdivision from A to AE, and schematic plan approval for a subdivision related thereto (Z-15-06)

The applicant requested that the Planning Commission consider this item at a later date.

Agenda Item #10: CenterCal Properties LLC and/or Farmington City (Public Hearing) - Applicant is requesting a recommendation for a zone change on approximately 100 acres of property located north of Clark Lane, west of I-15 and south and east of Park Lane from A, BP, and LM&B to TOD (Z-9-05)

David Petersen explained that 62 acres of the project were previously zoned TOD. The applicant is now requesting that the remaining 40 acres be rezoned TOD.

Agenda Item #12: T-Mobile (Public Hearing) - Applicant is requesting conditional use and site plan approval to construct a cellular phone tower 100 feet in height on the Knowlton Elementary School grounds located at 801 Shepard Lane in a C zone (C-12-06)

David Petersen said the Planning Commission approved a similar application for this site on January 8, 2004, but the approval expired on January 8, 2005.

Agenda Item #11: Farmington City (Public Hearing) - Applicant is requesting a recommendation to amend Chapter 10 (Residential Development) of the Farmington City General Plan (MP-4-05)

David Petersen said the Planning Commission recommended that the City Council

amend Chapter 10 (Residential Development) of the Farmington City General Plan on August 17, 2005. Since the City Council has not yet acted on the request, the City Attorney recommends that another public hearing be held.

The meeting adjourned at 7:00 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Chairman Talbot called the meeting to order at 7:05 p.m. He announced that Agenda Item #8 will be considered at the first Planning Commission meeting in January. Agenda Item #9 will be heard at a future Planning Commission meeting.

PUBLIC HEARING: BRADY HALL/NORTH PARK DEVELOPMENT - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE APPROXIMATELY 10 ACRES LOCATED AT 48 WEST 600 NORTH FROM OTR-F, AND A-F TO LR-F AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A PROPOSED PLANNED UNIT DEVELOPMENT RELATED THERETO (Z-14-06 AND S-24-06) (Agenda Item #7)

Background Information

The City Council denied a previous request from the applicant to rezone the property to R-2 including denying a request to approve a schematic plan for a planned unit development consisting of 60 dwelling units related thereto. Now the applicant is proposing that the City rezone the property to LR (Large Residential) and to approve a schematic plan consisting of 36 dwelling units. This is consistent with the General Plan. However, the applicant has not yet submitted a schematic plan. Although a schematic plan is not necessary in order for the City to rezone the property, it is very desirable and the Planning Commission may table action until such plan is received by the City.

END OF PACKET MATERIAL.

David Petersen displayed an aerial photo and pointed out where the property is located. He reviewed the "Background Information" that was included in the Planning Commission packet. He displayed the schematic plan and stated that the proposed density has decreased from 60 units to 36 units. He pointed out where the twin homes will be located and where the single family homes will be located. The applicant has provided treatments to improve State Route 106.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Terry Drew (North Park Development, 99 Cove Lane, Layton) said the Planning Commission previously approved their request for a recommendation to amend the General Plan. Their request has not changed except for the fact that there will be fewer units, of which a portion of them will be single family homes. He made the following points about the development:

- The property is contiguous to properties that are zoned R-4. The properties across the street is zoned R-8.
- The development will resolve a 30 year issue that has existed between the City and the Haugen family.
- The developer has been sensitive to the concerns of the residents.
- Their traffic engineer concluded that the development will have a negligible impact to the City's traffic.

Chairman Talbot stated that the Planning Commission members were pleased with the architectural renderings that the developer presented to the Commission during previous discussions. He asked if the exterior of the homes will be similar to what they saw at previous meetings.

Brady Hall said the homes will be the same quality as was previously presented, but they plan to add variety to the exteriors of the homes.

Chairman Talbot suggested that the developer create a summary of the traffic study so it can be reviewed by the residents.

Terry Drew said City staff has a copy of the traffic study. They have gone to great lengths to improve the appearance of the development from SR 106 and to make the development blend with the character of the existing neighborhood.

Gary Rose (48 West 600 North) said his property will be included in the project. The developer has met the needs of the City and its residents. He suggested that if residents are unsatisfied with the proposal, they should purchase the property and develop it the way they see fit.

John Bradshaw (259 East 100 North) gave the Commissioners a copy of a newspaper article that was printed in the Salt Lake Tribune and Deseret News on November 10, 2006. He displayed an aerial photo that was taken of the area 27 years ago. He said he is aware that the

property needs to be improved but is concerned that this development is a “quick fix”. He is concerned about the current proposal since these properties are the last open areas on the east side of Farmington and this area is a gateway to the old town. He questioned why the twin homes are located next to the LR zone.

Claudette Evans (18 East 600 North) said she is in favor of the project. The proposal will provide an opportunity for the area to be cleaned up and beautified. She said the developer has attempted to meet the needs of the City and the residents by lowering the density. Regardless of whether or not the development is approved, the area has traffic issues.

Don Hadden (554 North Main) said he is an architect and worked on a similar proposal for the property several years ago. He is in favor of the proposal since it will improve the area. The properties will be well maintained since the project is a PUD and will have standards that need to be met.

Richard Ellis (44 East 400 North) said he is in favor of the project. The project will not create traffic issues for the area since traffic issues already exist. The Planning Commission should consider what is best for the City. If residents are opposed to the property being developed, they should purchase the property.

Jim Taylor (83 East 600 North) said he is directly against the proposal. The individuals who signed his petition are still opposed to the twin homes. He is not opposed to the property being developed but is opposed to the current plan. He suggested that the twin homes be developed in west Farmington so the “old town” can be preserved.

Scott Harper (647 North 40 East) said he is not opposed to the property being developed but he is opposed to the proposal to construct multi-family housing since there is not a guarantee that it will be well maintained. He owns apartments in the area but he is very particular about who he will rent to.

Joel Anderson (57 West 600 North) said he lives in a twin home and does not consider himself a “second class citizen”. The single family homes in the area are less cared for than the multi-family housing. He is impressed that the developer decreased the density and is willing to improve the area. He thinks there is a high demand for housing that accommodates senior citizens. This type of project will also generate less traffic than that of a traditional single-family home development.

Joe Judd (108 West 600 North) asked why the twin homes should be allowed in the LR-F zone.

David Petersen said the project will have the PUD designation so it will conform to the LR-F zone standards. The developer has the ability to ensure that the units are not rented.

Rick Wyss stated that the applicant is requesting that the property be rezoned so the proposal will be in conformance with the zone standards.

Joe Judd questioned whether the project conforms to the Ordinance. According to his calculations, there would be 20 units if the minimum lot size is 20,000 square feet.

David Petersen offered to speak with **Mr. Judd** at a later time to explain the different options that are allowed under the Ordinance.

Tom Owens (Old Mill) asked the Commission to follow the actions of the City Council by denying the applicant's request until their plan conforms with the City's Master Plan.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

As requested by **Chairman Talbot**, **David Petersen** reviewed Chapter 11. After calculating the proposed density and size of the property, he realized that the Schematic Plan does not conform to the Ordinance. The applicant would need to decrease their density by 20% or two units in order to not exceed the maximum bonus of 20% set forth in the PUD ordinance.

Andrew Hiller suggested that the twin homes be located near the existing apartments.

Terry Drew pointed out where the twin homes will be located. He stated that the homes in their project will be nicer than the existing homes in the area.

David Petersen said the Planning Commission needs to consider whether they prefer the property be developed as a single-family development or as a PUD. The developer would only be allowed 29 units under a single-family scenario and under a PUD scenario he would be required to provide at least 10% open space.

Paul Barker asked why the developer is opposed to developing a single-family home project.

Terry Drew said the main reason they are incorporating the twin homes is for economic feasibility. The PUD will also be beneficial since it will ensure that the homes receive long-term maintenance. They believe there is a high demand for this type of unit. This proposal is a more enlightened approach than creating a typical subdivision and will put fewer buildings on the site. He said their engineer and City staff apparently overlooked the density percentage.

David Petersen said there must have been a mistake when the calculations were made. The schematic plan can not be approved unless the developer agrees to remove two lots from the plan.

Chairman Talbot referred to the previous meeting where the developer stated that the development would not be economically feasible without 60 units. He questioned why the developer is now proposing fewer units.

Terry Drew said the larger lots will generate more revenue. They have also “skinnied down” the project. There have been other developers interested in the project who were unable to make it work unless they received assistance from the RDA.

David Petersen informed the Commissioners that the City does not have a copy of the actual traffic report. They only have a letter from the developer’s traffic engineer.

Terry Drew said the traffic study did not focus on State Route 106. The study focused on the amount of traffic the development would generate. According to their traffic engineer, Legacy Highway will likely lessen the amount of traffic in the area. The traffic from their development can use roads other than SR-106. It is likely many of the residents in the development will be senior citizens so they will not likely travel during the peak traffic hours.

In response to a question from **Paul Barker**, **Terry Drew** said the twin homes will likely be sold for approximately \$350,000 per side. The price of the home will make it less financially feasible to rent the home.

David Petersen said the proposed development is similar to the Country Lane development which is located in Bountiful. The units have doubled in value and are not offered on the open sales market since there is such a high demand for this type of unit. He has also visited four other developments similar to what is being proposed. They also appear to be holding their value at this point in time.

Motion

Rick Wyss moved that the Planning Commission table consideration of the applicant’s request to recommend to rezone approximately 10 acres located at 48 West 600 North from OTR-F, and A-F to LR-F and a recommendation for schematic plan approval for a proposed planned unit development related thereto until an acceptable schematic plan is received by the City. **John Bilton** seconded the motion, which passed by unanimous vote.

David Petersen offered to present a plan which illustrates the location of the open space, the yield plan and the different alternatives for the property.

PUBLIC HEARING: TROPHY HOMES LC - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND THE GENERAL PLAN BY RE-DESIGNATING APPROXIMATELY 21.43 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF STATE STREET AND 650 WEST (EAST OF FARMINGTON CREEK AND WEST OF 650 WEST) FROM "RURAL RESIDENTIAL DENSITY" TO "MEDIUM DENSITY RESIDENTIAL", TO REZONE THE SAME PROPERTY FROM A TO R-4, AND SCHEMATIC PLAN APPROVAL FOR A PROPOSED PLANNED UNIT DEVELOPMENT CONSISTING OF 95 LOTS RELATED THERETO (Z-13-06) (Agenda Item #8)

PUBLIC HEARING: RANDY HEAD - APPLICANT IS REQUESTING A RECOMMENDATION FOR A ZONE CHANGE ON APPROXIMATELY 10 ACRES OF PROPERTY LOCATED WEST OF 1525 WEST AND NORTH OF PHASE III OF THE FARMINGTON RANCHES SUBDIVISION FOR A TO AE, AND SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION RELATED THERETO (Z-15-06) (Agenda Item #9)

Motion

Kevin Poff moved that the Planning Commission continue the public hearings as requested by the applicants for Agenda Items #8 to January 11, 2007 and for #9 to January 25, 2007. **Paul Barker** seconded the motion, which passed by unanimous vote.

The Planning Commission agreed that notice should be given to properties further than 300' from the proposed property for the Trophy home proposal since the area is sparsely populated. It was also recommended that notice be posted in the City newsletter.

PUBLIC HEARING: CENTERCAL PROPERTIES LLC AND/OR FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION FOR A ZONE CHANGE ON APPROXIMATELY 100 ACRES OF PROPERTY LOCATED NORTH OF CLARK LANE, WEST OF I-15 AND SOUTH AND EAST OF PARK LANE FROM A, BP, AND LM&B TO TOD (Z-9-05) (Agenda Item #10)

Background Information

On December 8, 2005, the Planning Commission approved a similar request for 62 acres located within the area described above. Now an applicant is requesting that the City rezone the entire 100 acres TOD. However, the developer does not have the Aaron Richards property or the Van Fleet property under contract.

END OF PACKET MATERIAL

David Petersen reviewed the Background Information which was included in the Planning Commission packet. Several months ago, the Planning Commission recommended that a portion of the property was rezoned TOD prior to Rich Haws submitting a Schematic Plan. CenterCal is now requesting that the entire property be zoned TOD. Although CenterCal does not have the VanFleet and Richards properties under contract, the City has the authority to rezone property so long as it is consistent with the General Plan. City staff recommends that the VanFleet and Richards properties be included in the rezone but that zone designation not take effect until a this land is sold to a developer. This will protect the property owners from paying a higher tax rate in the event CenterCal does not close on the properties.

Chairman Talbot asked why the two properties are being included in the rezone since they are not owned by the applicant.

David Petersen said the properties will eventually be zoned TOD. If the properties are rezoned at this time, it will eliminate the need for another public hearing to be held. Based on the notice requirements, it could take up to 6 weeks to consider this issue at a later time. The legal description for those properties would be clearly spelled out.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Elizabeth Angyl (CenterCal Properties, 1960 East Grand Avenue, El Segundo, California) said CenterCal considers this application to be a “housekeeping” item since the area is designated TOD in the Master Plan. They agree to the property being rezoned subject to a clause which states that the only properties that will be rezoned are those properties that are under the control of CenterCal. The other two properties will not be rezoned unless it is agreed to by the property owner or unless a developer takes control of the properties. CenterCal has a signed Letter of Intent with **Todd Jones** but does not have a signed contract from **Mr. Richards**.

Van Bass (599 West 250 South) said he is representing **Mr. Richards** who is currently negotiating with CenterCal but does not want his property rezoned at this time. **Mr. Richards** would like a written statement from the City stating that his property will remain the same zone.

Steve Christensen (351 North Main) said he represents **Todd Jones** who has the first right to purchase the Van Fleet property. **Mr. Jones** is negotiating a land lease with CenterCal so the rezone will not be based on the sale of the property.

Chairman Talbot informed the representatives for the VanFleet and Richards properties that the City will protect those property owners.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing.

In response to a question from a member of the Planning Commission, **Elizabeth Angyl** explained the process by which CenterCal will receive financing approval on the project. Their investors are more likely to approve the project if they have certain items complete prior to closing.

Jim Talbot said the City does not want to give the opinion that all of the properties are under contract when they are not. He suggested that CenterCal make it known to the two property owners that their properties are protected and are not included in the rezone.

Mr. Van Bass said CenterCal has the right to apply for a rezone on their property but a clause referring to the Richards and Van Fleet property should not be included in the rezone since CenterCal does not control the properties. **Aaron Richards** would never agree to rezoning the property unless CenterCal pays him what he is asking. He is handicapped so it would be difficult to take him out of the environment he is accustomed to.

John Bilton said the City's Master Plan indicates that the properties, at some point in time, will be zoned TOD. The current application can be approved with the exception of the two properties since it does not bind the property owner to the TOD zone. If control of the Van Fleet property does not occur and if the Richards property is not sold, they will remain in their current tax status. It allows CenterCal to continue their project quest.

Rick Wyss said he is concerned with the legality of rezoning property with such a contingency. He suggested that the Planning Commission approve the request with the exception of those two properties and with a recommendation to the City Council that once CenterCal has obtained the ownership of that property, they will also be rezoned.

Chairman Talbot said the City needs to make sure that the land owners are aware that their zoning will not change until they have reached an agreement with CenterCal or another buyer.

Motion

Rick Wyss moved that the Planning Commission recommend a zone change on approximately 100 acres of property located north of Clark Lane, west of I-15 and south and east of Park Lane from A, BP, and LM&B to TOD, with the exception of the Richards and VanFleet properties. In the event CenterCal obtains ownership or control of those properties, the Planning Commission recommends that those properties be rezoned to TOD. **Andrew Hiller** seconded

the motion, which passed by unanimous vote.

Findings

- The request is consistent with the General Plan.
- The Station Park development is imminent.
- The zone designation for the Richards and Van Fleet properties will remain the same in the event this land is not sold to a developer. This will allow these owners to pay lower property taxes until such time as their properties are sold.

AGENDA ITEM #4: CONTINUED

DANVILLE LAND INVESTMENTS, LLC, WOODSIDE HOMES - APPLICANT IS REQUESTING A RECOMMENDATION FOR PRELIMINARY PUD MASTER PLAN APPROVAL FOR A DEVELOPMENT KNOWN AS THE COTTAGES AT STATION PARK CONSISTING OF 414 DWELLING UNITS ON 98.56 ACRES LOCATED WEST OF I-15 AND 1525 WEST STREET, SOUTH OF SHEPARD LANE, EAST OF THE UTA RAILROAD TRACKS, AND NORTH OF BURKE LANE IN THE R-4 AND AE ZONE (S-7-06 AND S-11-06)

Motion

Kevin Poff moved that the Planning Commission continue consideration of Agenda Item #4. **John Bilton** seconded the motion, which passed by unanimous vote.

Steve Christensen (Legal Counsel for Danville Land Investments, LLC, Woodside Homes) pointed out that although he represents **Todd Jones**, he is appearing before the Planning Commission on behalf of Woodside Homes. His comment was made to ensure that the motion was stated correctly. **Mr. Jones** did not appear before the Planning Commission because he does not have control over the VanFleet property.

Mr. Christensen referred to the agreement that was discussed earlier in the meeting regarding the crossing of the railroad track. He stated that it was the second agreement between the City and Woodside Homes prior to the Supreme Courts ruling on “illegal exactions”. The corridor has been preserved for the Legacy Highway. There have been many discussions as to who should be responsible to improve the road. The road does not benefit the Woodside Homes development but they have agreed to escrow enough money so the City can put in enough asphalt for a 20' to 22' roadway to the east of the church property. He pointed out where the property is located.

In response to a question from **Rick Wyss**, **Steve Christensen** said there have been many agreements between the City and Woodside Homes. According to his knowledge, the agreement that was settled upon with the City Attorney was that Woodside Homes would not build the road

but would preserve the corridor. The City may have a different understanding. Regardless of past misunderstandings, Woodside Homes is willing to pay to put in the two lanes of road, excluding curb, gutter and sidewalk since it will eventually become an 80' corridor. They would prefer to escrow the money to be used for the City to construct the road when it is needed since the road does not currently connect to subdivisions or other roads.

David Petersen pointed out where the road is located. He said the City should be accepting of the money being placed in an escrow account. He would like to speak with **Paul Hirst** regarding the actual width of the road. The road should include two safe travel lanes. He said that he understands the arguments made by Steve Christensen and that the City probably can not legally require Woodside Homes to provide the improvements, but Woodside Homes verbally agreed to do it.

Thane Smith stated that although Woodside Homes is not required to improve the road, they are willing to do so.

Rick Wyss said Woodside Homes is responsible to improve the road since they agreed to do so during previous negotiations since the road is contiguous to their last development.

Thane Smith said the road is the Legacy corridor. It is not needed for any of their developments. There is not access to the road from their developments. It does not benefit either of the Woodside subdivisions.

Rick Wyss said according to the City Planner, the road will be used by the subdivisions when it is in.

Thane Smith said it is not a necessary road for their subdivision.

Rick Wyss stated that the road will not be considered an "illegal exaction" since the road is adjacent to their property and usable by the subdivision.

Steve Christensen said there have been four years of discussions relating to the road. He is willing to review the history of the discussion with **Mr. Wyss**. Woodside Homes is willing to escrow funds to pay for the cost of a two-lane road.

The City Planner then continued reviewing the "Background Information".

Thane Smith agreed to do as much as they legally can to restrict the units from being rented.

Jim Talbot said the Planning Commission wants rental restrictions to be included in the CC&R's.

Thane Smith said they are willing to include strict language prohibiting rentals in the CC&R's. They will do everything that is legally allowed.

The Planning Commission reviewed a table which showed that the average lot size of the north LR is 10,000 square feet. The average lot size for the lower LR area is 1,600 square feet less than the north LR area.

David Petersen pointed out that Envision Utah states that developments are more appealing if the garage does not exceed 40% of the front face of the home. He referred to the Woodside Homes elevations which were included in the Planning Commission packet. He stated that the third car garage will exceed the 40% recommendation that was given by Envision Utah. He questioned whether the Planning Commission wants to require the garage standard that was recommended by Envision Utah, even though it may require the developer to alter their elevations.

In response to a question by **Commissioner Poff**, **David Petersen** stated that the standard may be altered if the garage is recessed.

Kevin Poff questioned whether the LR zone has requirements regarding the placement of the garage.

David Petersen said the LR zone does not have garage requirements but the Woodside development is a PUD so different but reasonable standards may be imposed. He reviewed the overall density for the development which was outlined in the table. He compared the development to Cave Hollow and Fieldstone.

Rick Wyss asked if it is possible to relocate the drainage to the bottom portion of the development.

Thane Smith said the open space is driven by the wetlands. There is approximately three acres of wetlands that will be incorporated into the development. They plan to mitigate a portion of the wetlands. A representative from the Army Corp of Engineers was pleased with the plan.

David Petersen said **Paul Hirst** was uncomfortable with the developer's initial proposal for the location of the detention basin. **Howard Kent's** proposal for the regional detention basin is very appealing to the City. **Mr. Kent** sent a letter stating he is willing to provide the regional detention basin.

Thane Smith said based on the recommendation that was given by **Aaron Richards**, the water should flow towards the Great Salt Lake. Woodside Homes has been working with CRS and **Howard Kent** in an effort to create the detention basin.

David Petersen pointed out that the storm drainage issue is not yet resolved.

Kevin Poff asked if there is a way to alter the exterior of the homes so the garage is even with the front door.

Thane Smith said based on discussions with **David Petersen**, they located the porch in front of the garage.

David Petersen said the exterior of the homes will be similar to the Fieldstone development where the garages are even or recessed from the front of the home. The garage currently makes up 40-50% of the home, excluding the third bay.

Thane Smith pointed out that the third bay will likely be even with the garage but will be recessed from the front of the home. Many of the exteriors will have to accommodate the configuration of the lot.

Rick Wyss asked how the homes in the LR zone compare to the homes in the adjacent development.

Thane Smith said the homes in this development will be slightly smaller than that of the adjacent development. They reached an agreement with the City to locate the higher density area along the corridor. They proposed this housing type because the City was opposed to the attached product.

Chairman Talbot pointed out that the City approved the higher density in an effort to preserve property for the Legacy Highway.

David Petersen said Woodside Homes was willing to preserve the property for the corridor in exchange for the property being zoned R-4 and the subdivision being allowed 400 lots. The City Council discussed the issue for several months before approving the R-4 zone to prevent traffic congestion on Park Lane and Shepard Lane. Since that time, a public hearing was held regarding the location of the corridor. UDOT is now considering other alternatives to connect Legacy North to the interchange.

Thane Smith stated that they are required to provide a certain amount of open space. It will be difficult to create a park on the property, since the residents will likely be opposed to it being removed in the future.

David Petersen reviewed the "Suggested Possible Alternative Motions" which were included in the Planning Commission packet.

Motion

Cory Ritz moved that the Planning Commission take a break from 9:00 until 9:05. **John Bilton** seconded the motion, which passed by unanimous vote.

Cory Ritz said in his opinion, the City has allowed too high of density in exchange for a corridor that might not exist. He said he is concerned that the developer has not provided enough space to store the snow that has been removed from the property. He said he would prefer tabling consideration of the request until the City knows whether they should allow the high density in exchange for UDOT constructing the corridor.

Rick Wyss said he is concerned that Shepard Lane will be forced to accommodate the traffic until the other roads in the area are developed. He said he would like **Paul Hirst** to explain why Shepard Lane won't fail if it is used to access Highway 89.

Thane Smith said the traffic study that was conducted by Wiley Transportation indicated that there may need to be a stop control intersection to handle the traffic on Shepard Lane but the road will not fail. The analysis did not include the Road to the North. The amount of traffic that is generated by the Woodside Homes development can be handled by Shepard Lane and 1525 West. The results of the traffic study were discussed with the City Attorney and the City Engineer.

David Petersen said although Shepard Lane was narrowed, it can handle the same amount of traffic. Horrocks Engineers indicated that the traffic that comes from Kaysville will cause Shepard Lane to fail within seven years but Kaysville City is unwilling to contribute to the Road to the North. The Planning Commission can request that a model be created analyzing the overall road network for the future.

Thane Smith said they have taken a traffic count from a specified radius from the project but there is a limit to their model. When the development and the roads are built out, there will be very little traffic from the development that will access Shepard Lane unless they are traveling northbound.

Rick Wyss questioned whether the City has the ability to modify their decision regarding the amount of density that is allowed.

David Petersen said the property has been zoned LR and R-4. The developer has met the open space requirements necessary to obtain the number of units they requested.

Rick Wyss asked if the Cottages at Station Park will effect the values of their adjacent development.

Thane Smith said so long as the area is master planned well, the Cottages will add value to the area by offering different product types.

Chairman Talbot stated that neither of the developments will increase in value if the traffic cannot move through the area. He would like to hear from Horrocks Engineers explaining their basis for stating that the traffic in the area will not fail.

Thane Smith said the access at Burke Lane and 1525 West will help the traffic to flow through the area. Woodside Homes wants to ensure that the road systems are successful so their properties are not devalued.

Steven Christensen said the City has copies of the traffic reports and other materials if the Planning Commission would like to review them.

Cory Ritz said he is concerned that if the traffic fails outside of the Woodside Homes development, the City will be required to remedy the problem.

Thane Smith said their model illustrated the impact their development will have on the traffic in the area. The model indicates that the streets can handle the traffic from their development.

David Petersen stated that the studies have been reviewed by City staff, the City Engineer and Horrocks Engineers. The engineers consider the divider medians to be a “band-aid fix.” If the crossings are closed and the traffic is redistributed to other areas, the system will be adequate.

Rick Wyss said there are a number of issues that still need to be addressed by the developer.

Thane Smith said a number of the issues do not need to be addressed until preliminary plat. A number of the issues have already been resolved. **Steve Christensen** and **Todd Godfrey** are close to coming to a convergence on the traffic issues.

Rick Wyss said he is also concerned that the development will effect the values of the high end homes that are located on the other side of the freeway.

Thane Smith said Woodside Homes is also building high end homes near the development. In their opinion, the development will not devalue the properties that surround the development.

Cory Ritz said the streets that serve the R-4 zone should be contained within the boundaries of the R-4 zone. The burden should not be placed on the LR zone. He said he has

always been opposed to the high density. **Howard Kent** only committed to work in good faith regarding the detention basin. “Good faith” does not mean **Mr. Kent** will provide a solution that Danville Land Investments is willing to accept.

Thane Smith said **Mr. Kent** is concerned about the problem and is willing to negotiate. Woodside Homes is willing to contribute fair market value. They share the same attorney and will meet within the week to discuss the final design.

Motion

John Bilton moved that the Planning Commission recommend that the City Council grant Preliminary (PUD) Master Plan approval subject to all applicable Farmington City development standards and the following:

1. The applicant must provide written approval from U.S. Army Corp of Engineers regarding the proposed development and the wetland delineation in that portion of the project south of the proposed Legacy North alignment and written verification that the proposed fill embankment across Haight Creek is acceptable to the Corp.
2. The applicant must provide improvement drawings, including a grading and drainage plan and accompanying SWPP, and these plans must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis Sewer District, and Benchland Water District.
3. The applicant shall provide storm water detention in a manner and a location acceptable to the City Engineer. This may include an off-site location.
4. The property must be rezoned to accurately reflect the master plan.
5. The applicant must enter into an agreement with the City that will provide, among other things, a traffic solution regarding the two unsafe railroad crossings near the project and additional or alternative routes from the site.
6. Danville Land Investments, LLC, Woodside Homes has agreed to pave the edge of the church property (or bond for the cost of the road).
7. The CC&R’s must include non-rental language that allows it to occur in perpetuity.
8. The landscape plan must be reviewed and approved by **John Swain**.

The following substitute motion was made:

Motion

Rick Wyss moved that the Planning Commission table consideration of the request to allow the developer to address items #1 through #8 that were listed in the previous motion.

The Planning Commission and City Planner discussed the need for the lines of the R-4 zone to be reconfigured. The City Council needs to act upon the recommendation that was made by the Planning Commission.

Cory Ritz seconded the motion.

The Planning Commission discussed the motion. Certain members indicated that it is appropriate to table the request to be considered after the issues have been resolved. Other members felt it was inappropriate to table the request since the traffic issues will eventually be sorted out.

The motion passed by a 4 to 3 vote, with Commissioner Poff, Commissioner Bilton, and Chairman Talbot opposing the motion.

Thane Smith said Woodside Homes understands the City's concerns. He suggested that a study session be held to work through some of the issues.

Chairman Talbot said he would be willing to conduct a study session so the Commission and developer do not need to re-discuss the issues. He requested that the developer's traffic engineer provide a written statement addressing the roads and the railroad crossings.

Paul Barker suggested that the snow storage issue also be addressed.

**PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A
RECOMMENDATION TO AMEND CHAPTER 10 (RESIDENTIAL DEVELOPMENT)
OF THE FARMINGTON CITY GENERAL PLAN (MP-4-05) (Agenda Item #11)**

Background Information

On August 17, 2005, after receiving a recommendation from the Planning Commission, the City Council elected to table the enclosed ordinance "until consideration of the US 89 corridor occurred." The zone text for the NMU zone was adopted shortly thereafter. Subsequently, the enclosed amendment should have been adopted, but it was not. Many months have passed, and the City Attorney is recommending that the City again conduct the public

hearings set forth by State Law prior to adopting the amendment.

END OF PACKET MATERIAL.

David Petersen reviewed the “Background Information” and said the Planning Commission is considering the same issue that was approved in the past.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Public Hearing Closed

With no forthcoming comments, **Chairman Talbot** closed the public hearing.

Motion

Kevin Poff moved that the Planning Commission recommend that the City Council enact ORDINANCE NO. 2005-, AN ORDINANCE AMENDING CHAPTER 10 OF THE FARMINGTON CITY COMPREHENSIVE GENERAL PLAN REGARDING RESIDENTIAL DEVELOPMENT. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

Findings

- The latest changes to the NMU and CMU texts are consistent with the General Plan amendment.
- An earlier Planning Commission recommended that the City adopt the proposed amendment.

PUBLIC HEARING: T-MOBILE - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A CELLULAR PHONE TOWER 100 FEET IN HEIGHT ON THE KNOWLTON ELEMENTARY SCHOOL GROUNDS LOCATED AT 801 SHEPARD LANE IN A C ZONE (C-12-06) (Agenda Item #12)

Background Information

The Planning Commission approved a similar application for this site on January 8, 2004, but the approval expired on January 8, 2005.

The specific site requested for the wireless telecommunication facility is located at the confluence of three land use plan designations - (1) General Commercial; (2) Low Density Residential; and (3) Public/Private Recreation Open Space and/or Parks Very Low Density. Enclosed for Planning Commission review is Section 11-8-105 entitled, "Conditional Use Standards" which outlines standards of review for conditional use applications. It appears the proposed request is consistent with these standards. It seems that a site adjacent to a major arterial (U.S. 89) is appropriate for a cellular phone tower. Furthermore, the cellular phone tower may be a compatible use with the nearby baseball field lights located at the City's Shepard Park. Section 11-28-090(d) of the Farmington City Zoning Ordinance states:

"A coverage site plan site specific to the application shall be submitted to each company desiring placement of wireless telecommunication facilities. The coverage plan shall be submitted and accepted by the Planning Commission prior to the processing of any permits for permitted or conditional use locations. The coverage plan shall show approximate future locations that may be needed within a twenty-four (24) month period from the date of approval by the Planning Commission of facilities in adjoining areas and/or communities, and provide specific locations when possible, but are not required to detail the specific type (i.e., pole, roof, wall mount) of facility."

Coverage plans for the proposed tower were approved by the Planning Commission in 2004. The Planning Commission needs to consider how T-Mobile plans to access the site for periodic maintenance.

END OF PACKET MATERIAL.

David Petersen passed out a copy of the cell phone coverage plan. He displayed an aerial photo and pointed out where the property is located. He explained that the previous Planning Commission was not in favor of the site being located at Monte Vista. The motion is essentially the same as it was at the last hearing, but the applicant did not pursue the previous approval.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Jared White (K.E.G. - 1497 South 700 West, Salt Lake City) explained that T-Mobile did not proceed with their previous approval since they were in the process of hiring a company to negotiate their tower locations for them. He said Knowlton Elementary will receive funding from T-Mobile that they can use for educational purposes.

Chairman Talbot stated that the applicant is requesting that their cellular phone tower be

100' in height. When they previously appeared before the Commission, they were only requesting that their tower be 60' in height. He questioned whether the applicant could decrease the height of the tower.

Jared White explained that they prefer to build the tower at a height which will provide the maximum amount of coverage so they do not have to construct additional towers.

Paul Barker asked if there is any evidence that suggests that the tower can be dangerous to the school children.

Jared White stated that carrying a cell phone in your pocket creates more R-F exposures than the tower would.

Chairman Talbot asked if it would be appropriate to conceal the tower since it may be visible from the off-ramp/spaghetti-bowl.

David Petersen said the tower will not be similar in height to the ball diamond lights which already exist in the area.

Jared White said the City requested that the 20' extension be added to the tower so it could accommodate an additional carrier. Without the extension, co-locators can be placed on the lower section of the tower but carriers will not likely be willing to have their co-locator at that height. If the tower is constructed at a height of 100', there will be the following benefits:

- There will not be interference issues.
- The tower will draw additional carriers.
- The transmission will broadcast further.
- Additional income will be generated for the school.

In response to a question from **Paul Barker**, **Jared White** stated that the City requested that the second carrier be added below and that the third carrier be added at a later time above the original location. He agreed to limit the size of the tower to a minimum of 80 feet and a maximum of 100 feet. He agreed that if the size of the sign needs to be increased, the applicant shall reappear before the Planning Commission.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing.

Motion

Kevin Poff moved that the Planning Commission approve the application subject to all

applicable City ordinances and development standards and resolution of the following issues:

1. Materials for the new pole shall be of a neutral color that is acceptable to City staff.
2. Review and approval of a landscape plan prepared by the applicant for the site.
3. Review and approval of this application by the Farmington City Building Inspector.
4. The cellular tower shall be designed as a co-location facility with the ability to add a second carrier. It may only be extended in height if a third or fourth carrier is attracted to the tower.

Paul Barker seconded the motion, which passed by unanimous vote.

Motion

John Bilton moved that the Planning Commission continue their meeting past 10:00 p.m. **Paul Barker** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Planning Commission Elections for 2007

Jim Talbot announced that as a result of the interview process, the Mayor and interview committee would like **Andrew Hiller** and **Jim Talbot** to extend their term for an additional year. They also suggested that two alternate Planning Commissioners be appointed to fill-in when a regular Commissioner is absent. The Ordinance will have to be amended to allow for the alternates to be appointed.

Motion

Kevin Poff moved that the Planning Commission designate **Jim Talbot** to serve as the Planning Commission Chairman. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

Motion

Paul Barker moved that the Planning Commission designate **Kevin Poff** to serve as the

Planning Commission Vice-Chair. **Cory Ritz** seconded the motion, which passed by unanimous vote.

Motion

Jim Talbot moved that the Planning Commission designate **Paul Barker** to serve an additional year on the Board of Adjustment. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Proposed 2007 Planning Commission Schedule

David Petersen passed out a copy of the Planning Commission schedule for 2007. The Planning Commissioners agreed to hold their February meetings on different weeks than the City Council meetings.

Other

David Petersen informed the Planning Commissioners that an individual is interested in purchasing a piece of property in the Oakridge area to be used for low density housing if he can receive approval for a curb cut on 1075 West. The Planning Commissioners conceptually agreed to allow the curb cut.

ADJOURNMENT

Andrew Hiller moved that the Planning Commission adjourn at 10:15 p.m.

Jim Talbot, Chairman
Farmington City Planning Commission